(3)

(1)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR

CHHATTISGARH

WRIT PETITION No. 1104 /2006

PETITIONERS/ PLAINTIFFS

1. Smt.Suman Dheer, aged 52 years, wife of Shri B.K.Dheer, MIG - 19, Indrawati Colony, Raipur (C.G.).

2. Smt. Rajkumari Kanda, aged 60 years, W/o. Sri Madanlal Kanda, C/o. Smt. Suman Dheer, MIG-19, Indrawati Colony, Raipur (C.G.)

P.R. No. 1177/06
Presented by Shri Abhishek Sharma
dated 21/3/06

VERSUS

RESPONDENTS/ DEFENDANTS

1. Gyan Ganga Educational Academy, Village Nardaha, Baloda Bazar Road, Tah. & Distt. Raipur (C.G.).

2. Laxmi Narayan Shandilya, aged 55 years, son of Shri H.P. Shandilya.

3. Sachin Shandilya, aged 28 years, son of Shri Upendra Shandilya.
Respondent No.2 & 3 are resident of A-2, Rajev Nagar Raipur (C.G).

4. Ravindra Pal Singh, aged about 58 yrs., son of Ram Prasad Singh, M-32, Rajeev Nagar, Raipur (C.G..).
All Directors of Gyan Ganga Educational Institute Pvt. Ltd., Village – Nardaha, Baloda Bazar Road, Raipur (C.G.)

5. Gyan Ganga Education Institute Private Limited, Village- Nardaha, Baloda Bazar Road, Raipur (C.G.).

OATH COMMISSIONER
APARNA MALVIYA
CG-2073/96
6/2/06
Bilaspur Chhattisgarh

(4)

(2)

WRIT PETITION UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA

XI-HC-22

(23)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक WP-1104/06 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

06.03.2006

Shri Kishore Bhaduri, learned counsel for the petitioners.

Heard on admission.

This is a petition filed under Article 227 of the Constitution of India being aggrieved with the order dated 14/2/2006 passed in Civil Suit No.16-A/2005 by the Court of IX Additional District Judge (Fast Track Court), Raipur.

It appears that by the impugned order, the learned A.D.J. has dismissed an application of the plaintiffs filed under Order 11 Rule 16 of the Code of Civil Procedure. The ground for dismissal has been taken that an affidavit in support of the application has not been filed and the reasons are not stated in the application as to why the documents are required to be inspected by the plaintiffs.

The grounds taken by the Trial Court for dismissal of the application do not appear to be reasonable. Rule 16 of Order 11 provides a notice to produce the documents. It lays down that the notice to any party to produce any document referred to in his pleadings or the affidavits shall be in the format prescribed under Form no.7 at Appendix – C, with such variations, as circumstances may require. The reasons for production are not the essence of law as laid down by Rule 16 of Order 11, because it only provides with reference to the documents referred to in the pleadings of the party. If the documents are there referred in the pleadings of the party, the notice for production of

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक WP-1104/06 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

documents may be given, but the same should be given in the format prescribed under Form no.7. at Appendix – C. So far as filing of affidavit is concerned, it also does not appear in this provision that an affidavit is required to be filed in support of a notice to be given to a party.

However, the petition is disposed of summarily with a liberty to the petitioner to file a duly constituted application alongwith the requirements of law as are required under Rule 16 of Order 11 and the other provisions, which are required to be attained in such cases.

If such an application is filed with all the requirements of law, the Trial Court shall firstly dispose of this application and thereafter, shall proceed to take further steps in the case.

With the above observations, this petition stands finally disposed of.

Sd/-
Sunil Kumar Sinha
Judge

[पीछे देखिये